

REZONING REPORT

▶ **FILE #:** 2-E-21-RZ

AGENDA ITEM #: 13

AGENDA DATE: 2/11/2021

▶ **APPLICANT:** ERICK GARCIA SALAS

OWNER(S): 4821 Broadway LLC

TAX ID NUMBER: 58 N D 042

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 4821 N. Broadway

▶ **LOCATION:** West side of N. Broadway across from Sanders Dr., north of Adair Dr.

▶ **APPX. SIZE OF TRACT:** 0.3 acres

SECTOR PLAN: North City

GROWTH POLICY PLAN: Within City limits

ACCESSIBILITY: N. Broadway Avenue is a major arterial with a 53-ft pavement width inside a 73-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT ZONING:** C-G-2 (General Commercial)

▶ **ZONING REQUESTED:** C-G-1 (General Commercial)

▶ **EXISTING LAND USE:** Small commercial strip center

▶ EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted for this property

SURROUNDING LAND USE AND ZONING: North: Commercial - C-G-2 (General Commercial)

South: Commercial - C-G-2 (General Commercial)

East: Commercial - C-G-2 (General Commercial)

West: Commercial - C-G-2 (General Commercial)

NEIGHBORHOOD CONTEXT: N. Broadway Avenue is a major commercial corridor. This area is a commercial node off near the intersections of N. Broadway Avenue with Tazewell Pike (a minor arterial) and Adair Drive (a major collector). Sterchi Cemetery is nearby to the west and the Adair Gardens Historic Neighborhood is to the east along Sanders and Adair Drives.

STAFF RECOMMENDATION:

▶ **Postpone this item for 30 days to be heard at the March 11, 2021 Planning Commission meeting per the applicant's request.**

The applicant submitted a form requesting postponement of this item on January 18, 2021.

COMMENTS:

This property was zoned C-3 (General Commercial District) prior to the adoption of the new zoning ordinance and map on January 1, 2020. This section of N. Broadway Avenue was rezoned to C-G-2 (General Commercial) in the new zoning map, which has a series of design standards it requires. The allowed uses are the same in all levels of C-G zones. Therefore, the applicant has the ability to build the same types of facilities in any of the zones. The difference is the setbacks, building height, and design standards (see below) with which the applicant would need to comply.

The applicant is seeking to put a car repair shop at this location and is seeking C-G-1 to set the building further back than the C-G-2 zoning allows.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

- 1. There are no changes to the development in the area that would warrant a rezoning.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

- 1. The difference between dimensional and design standards [§ 5.3, Tables 5.1 and 5.2] of the two zones are as follows:
 - a. Front Setback and Build-to Zone: (Note that the build-to zone refers to the percentage of the building’s front façade that is required to be in the build-to zone. It is not a percentage of the property’s frontage.)
 - i. C-G-1: has no front setback requirements
 - ii. C-G-2: has a build-to zone (between 0’ to 20’)
 - b. Design Standards:
 - i. C-G-1: has no requirement for design standards
 - ii. C-G-2: has minimum design standards for façade design, fenestration design, and commercial site design.
- 2. The zoning ordinance describes the C-G (General Commercial) Zoning District as “intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville’s commercial nodes and corridors. The C-G District is intended to promote mixed-use development in a pedestrian-oriented environment that recalls the City’s traditional business districts, and offers flexibility in the creation of integrated commercial, office and residential spaces. The C-G District is divided into three levels of intensity related to the overall form and design of the development; however, uses are the same across all levels. This zone is intended primarily for indoor commercial uses with limited exceptions per special use approval” [§ 5.1A.2].

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

- 1. Since the allowed uses are the same for all C-G zones, no adverse impacts, specific to the uses, are anticipated from the lesser level of C-G-1 zoning.
- 2. However, the zoning ordinance was adopted recently and the zones set for this area intentionally required design standards and smaller setbacks to move buildings closer to the street and parking to the rear as new development occurred.
- 3. As is the case for rezonings dealing predominantly with a change in uses, this rezoning decides on the zoning requirements for future development, not only for this owner/developer. In this case, the applicable standards are the design standards and dimensional standards.
 - a. Due to the lack of design requirements in the C-G-1 zone, a square metal building could be built and would be in compliance with zoning.
 - b. Because the C-G-1 zone has no setback requirements, buildings could be located anywhere on the site.
 - c. Surrounding properties would be redeveloped under the design and setback standards of C-G-2, so the lack of standards of C-G-1 in the midst of the C-G-3 has the potential to cause discordant development.
- 4. The applicant is proposing uses for this site that are allowed as a special use within the C-G zones, so the site plan will require Planning Commission approval regardless of the zoning outcome. The new site plan layout and building design will be determined by the zoning.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

- 1. The North City Sector Plan’s current GC (General Commercial) designation supports C-G zoning.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 3/9/2021 and 3/23/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



Parental Responsibility Zone (PRZ)

**2-E-21-RZ
REZONING**

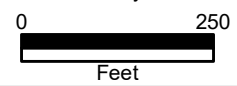
Petitioner: Salas, Erick Garcia



From: C-G-2 (General Commercial)
To: C-G-1 (General Commercial)

Map No: 58
Jurisdiction: City

Original Print Date: 1/6/2021 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Use on Review / Special Use <input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential Home Occupation (specify) <u>N/A</u>	Related City Permit Number(s)
Other (specify) _____	

SUBDIVISION REQUEST

N/A	Related Rezoning File Number
Proposed Subdivision Name	
_____ <input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel Unit / Phase Number _____ Total Number of Lots Created _____	
<input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change <u>C-G-1</u> Proposed Zoning <u>(comparable zone)</u>	Pending Plat File Number
<input type="checkbox"/> Plan Amendment Change Proposed Plan Designation(s) _____	
Proposed Density (units/acre) _____	Previous Rezoning Requests _____
<input type="checkbox"/> Other (specify) _____	

STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request ADDITIONAL REQUIREMENTS <input type="checkbox"/> Design Plan Certification (<i>Final Plat</i>) <input type="checkbox"/> Use on Review / Special Use (<i>Concept Plan</i>) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> COA Checklist (<i>Hillside Protection</i>)	Fee 1	0326 \$1,000 NC	Total
	Fee 2		
	Fee 3		NC \$1,000.00

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

John C. Osborne	Digitally signed by John C. Osborne Date: 2020.12.23 16:41:01 -05'00'	John C. Osborne	Dec 23, 2020
Applicant Signature		Please Print	Date
865-207-6479		josborne@fiserinc.com	
Phone Number		Email	
		Michelle Portier	12/28/2020
Staff Signature		Please Print	Date



CONTINEO GROUP

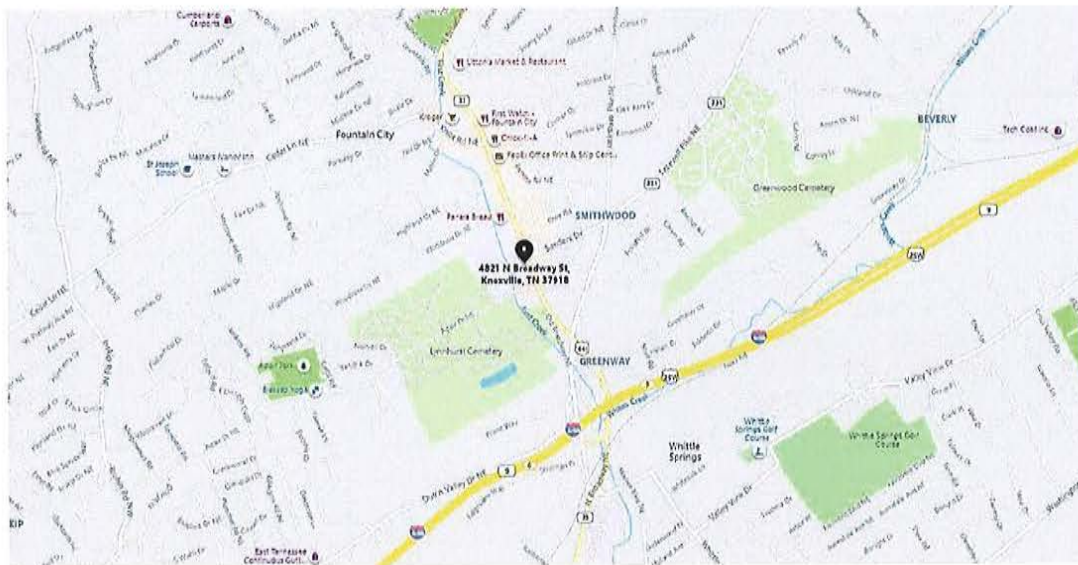
December 29, 2020

Knoxville-Knox County Planning
400 Main Street, Suite 403
Knoxville, Tennessee 37902

Re: Property Re-Zoning from C-G-2 into C-G-1
4821 Broadway Street, Knoxville, TN 37918
Parcel ID: 058ND042
Contineo Project Number 19-345

Attn: Planning Board,

Contineo Group LLC is acting as the Civil Engineer for the current proposed Applicant/Developer of the property. The scope of work entails construction Proposed development for an oil-change vehicle tenant with its appropriate parking and drive-thru. The property is located at 4821 Broadway Street, Knoxville, TN 37918 and it is currently developed with full access at Broadway Street.



Vicinity Map

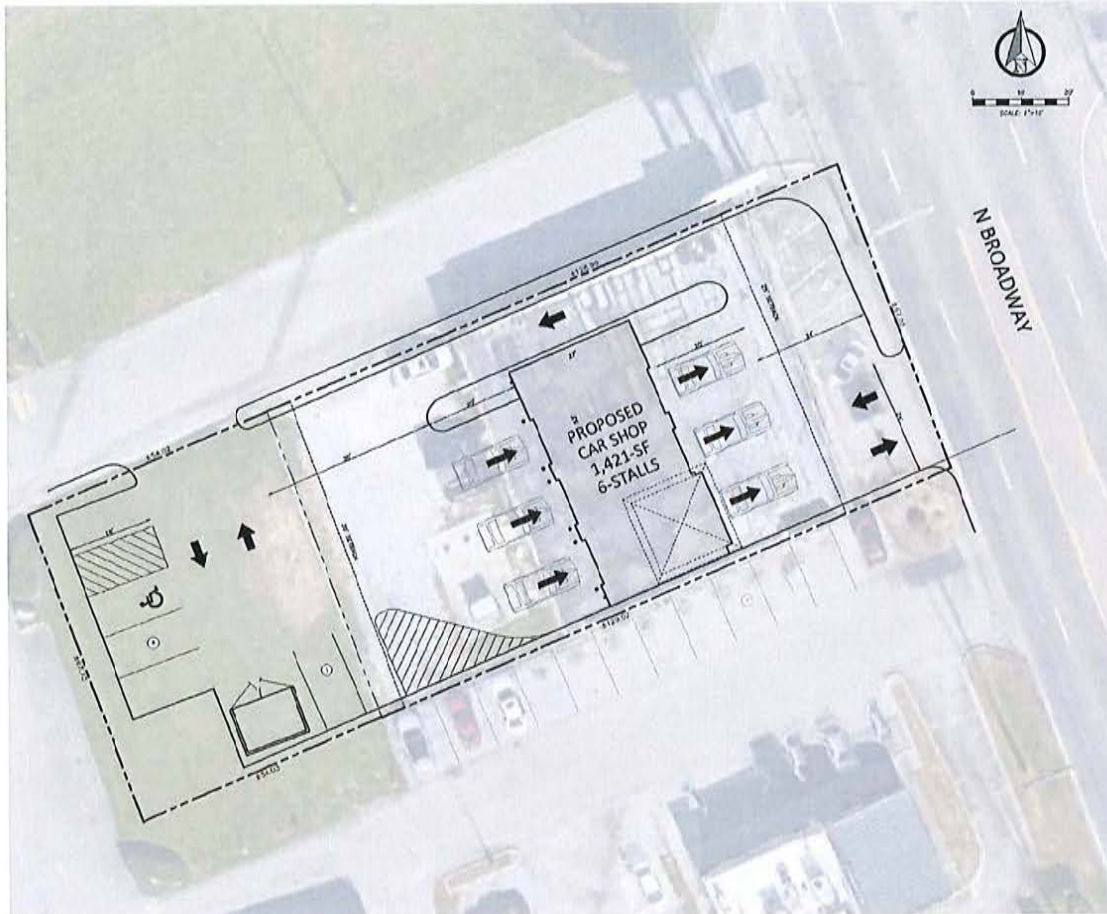
In order for the property to be developed as proposed, we are proposing to re-zone the property from its current designation of C-G-2, to a C-G-1.

The current zoning limits the use of the property with the Minimum Build-To percentage of the building. By changing its zoning, the development would be able to accommodate the proposed layout comfortably, while keeping the aesthetic requirements in place.





CONTINEO GROUP



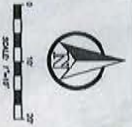
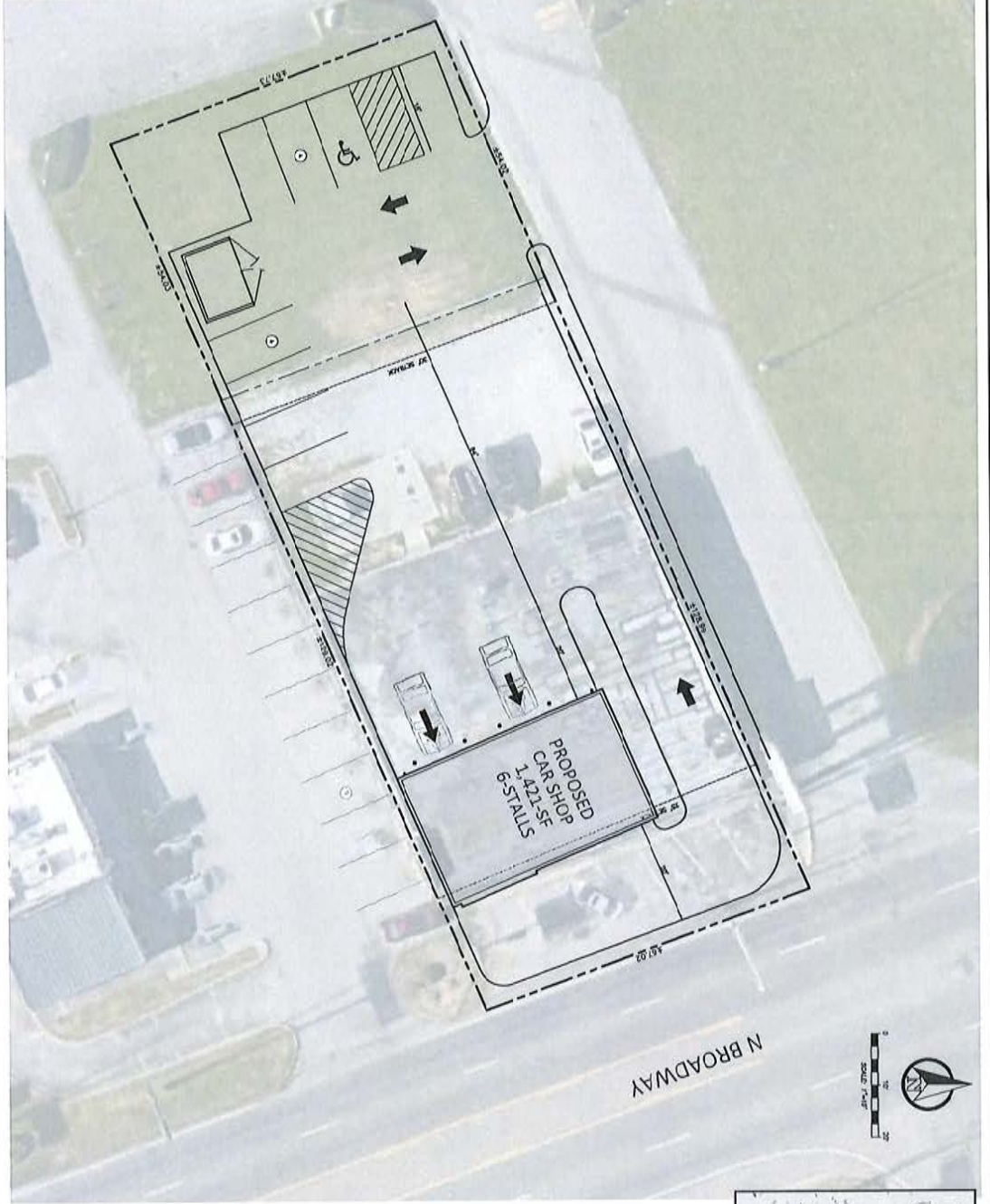
Site Plan

Please accept the corresponding application for Conditional Use, along with all pertinent documents.

Thank you for your efforts on this matter and please let me know if there is anything additional you need.

Very truly yours,

Erick Garcia-Salds
Principal
404-457-3919
erickg@thecontineogroup.com



VICINITY MAP

SITE SUMMARY	
OWNER	INDIVIDUAL COMMERCIAL
PROJECT NO.	19-345
PROJECT NAME	BROADWAY STREET DEVELOPMENT
PROJECT ADDRESS	4821 N. BROADWAY ST., KNOXVILLE, TN 37918
PROPOSED USE	RETAIL
PROPOSED ZONING	COMMERCIAL
PROPOSED LOT AREA	1,421-SF
PROPOSED CAR STALLS	6
PROPOSED DRIVEWAY	14'-0"
PROPOSED DRIVEWAY WIDTH	14'-0"
PROPOSED DRIVEWAY LENGTH	27'-0"
PROPOSED DRIVEWAY AREA	378-SF
PROPOSED DRIVEWAY PERCENTAGE	26.6%
PROPOSED DRIVEWAY PERMITS	1
PROPOSED DRIVEWAY COST	\$10,000
PROPOSED DRIVEWAY PERMITS COST	\$500
PROPOSED DRIVEWAY PERMITS FEE	\$500
PROPOSED DRIVEWAY PERMITS FEE PER 1000 SF	\$100

PRELIMINARY CONCEPT

THIS PRELIMINARY CONCEPT SHOULD BE UTILIZED AS A GENERAL APPROXIMATION OF A PROPOSED CONCEPT AND NOT BE USED FOR ANY OTHER PURPOSES. THIS CONCEPT IS NOT A FINAL DESIGN AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES. THIS CONCEPT IS NOT A FINAL DESIGN AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES.

#	DATE	REVISIONS

BROADWAY STREET DEVELOPMENT

ISSUED FOR: CONCEPT PLAN

JURISDICTION: CITY OF KNOXVILLE

LOCATION: 4821 N. BROADWAY ST., KNOXVILLE, TN 37918

ALTERMAN
COMMERCIAL REAL ESTATE

2870 PEACHTREE ROAD NW
ATLANTA, GA 30305
TEL 678.358.7650

CONTINEO GROUP
755 COMMERCE DRIVE
SUITE 600
DECATUR, GA 30030
678.601.6646
www.fcg-engineer.com

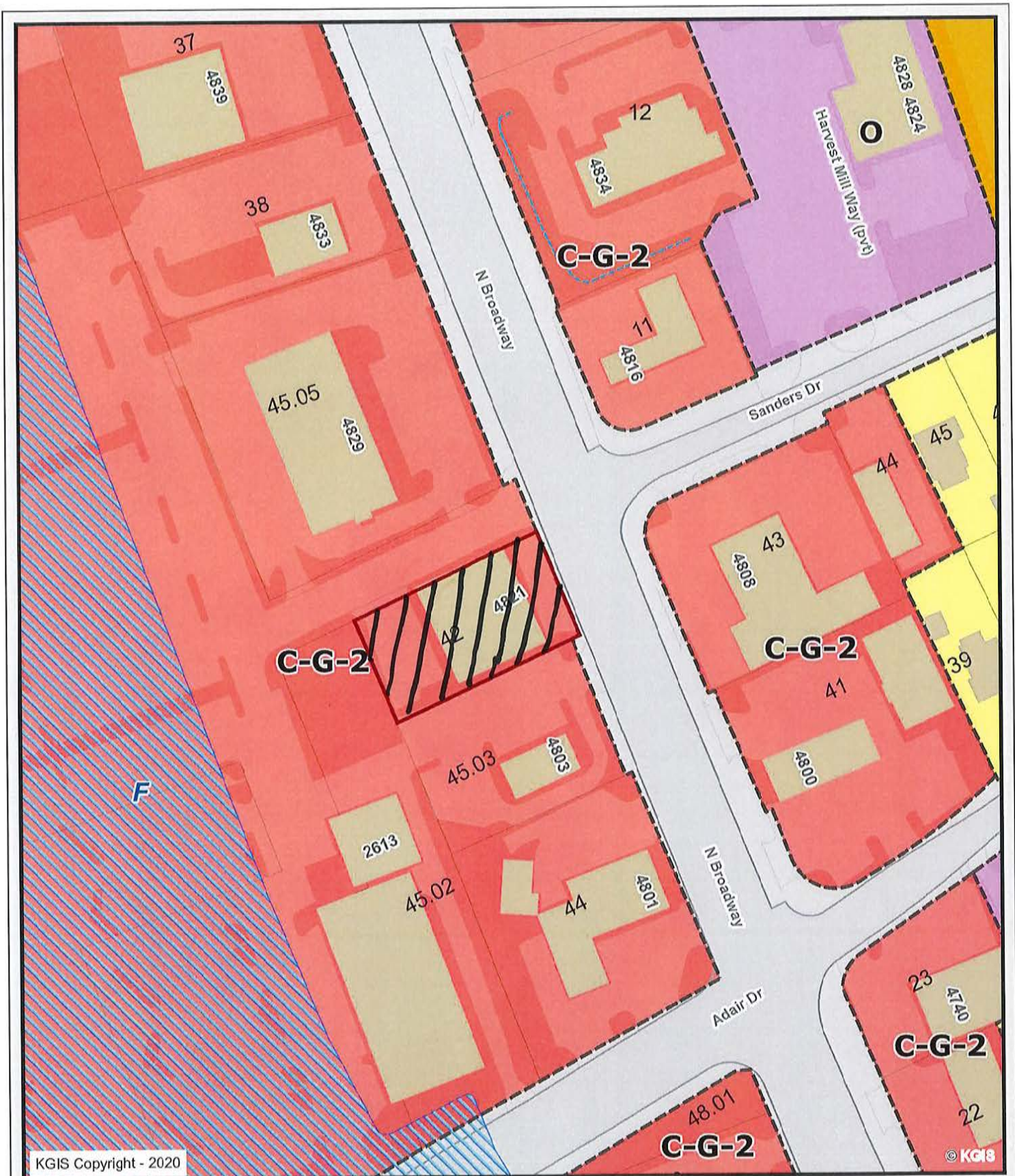
DRAFT

SHEET C100

CONCEPT PLAN 10

JOB NO: 19-345
DATE: 12/18/20

DRAWN: MAD
CHECK: EISS

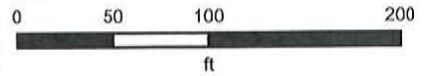


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4821 N. Broadway

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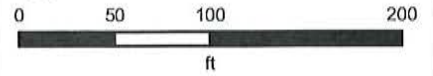


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4821 N. Broadway

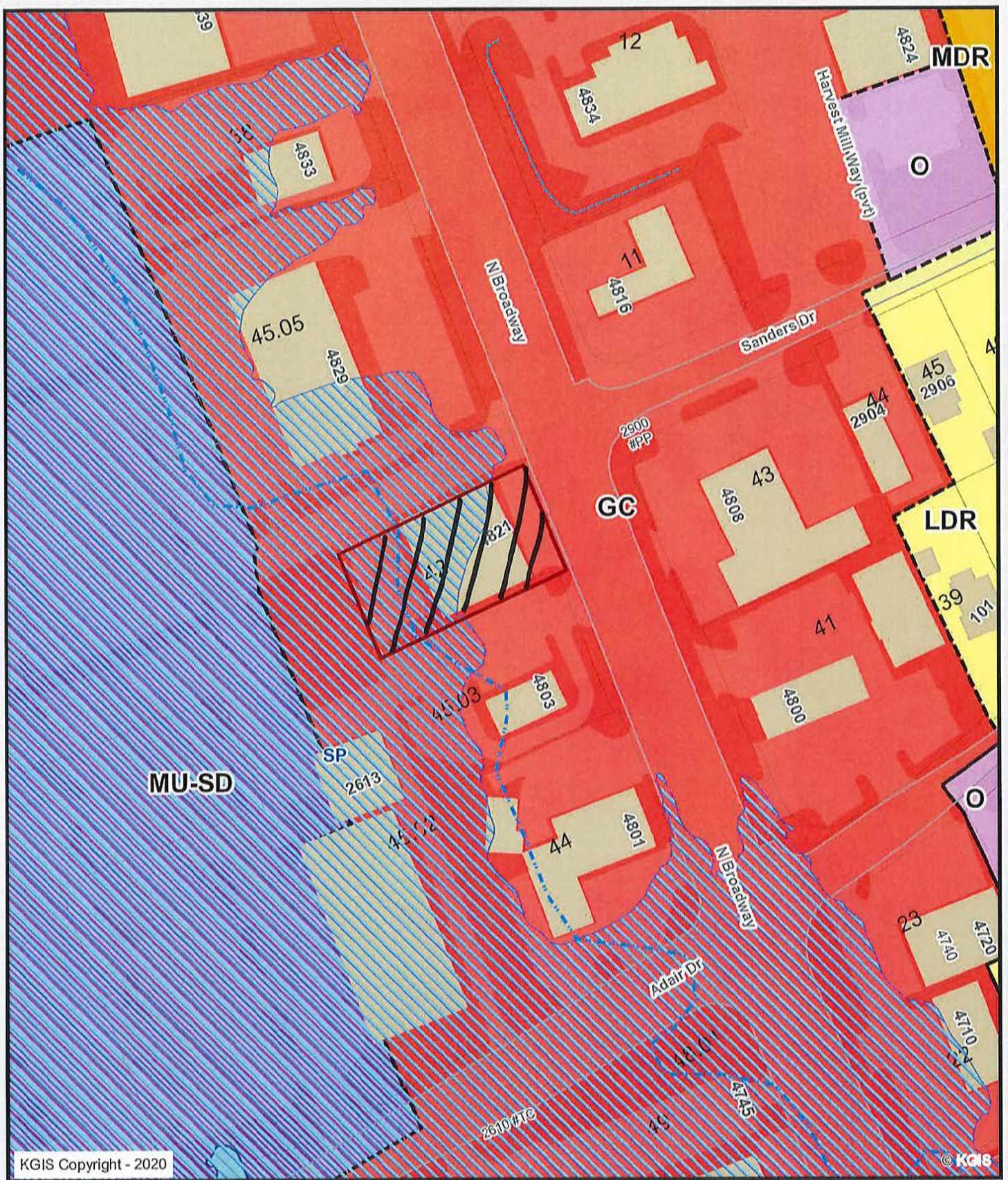


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4821 N. Broadway



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